

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-48631-2021 (O&M)
Date of Decision:-26.11.2021

Pawan Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Arti, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Shakti Singh.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.340 dated 23.06.2021 under Sections 307, 323, 148, 149 IPC, 1860 and Sections 25, 27 of the Arms Act, 1959 at Police Station City, Kaithal, District Kaithal.
2. The allegations, in nutshell, are to the effect that Satish, Sunil @ Sahab, Pawan, Raju, Ruldu and Ram Chander had caused injuries to Isham Singh, Nafe Singh, Rajesh and Raghbir. It is the case of the prosecution that while Isham Singh, Nafe Singh and Rajesh had sustained firearm injuries, the injured Raghbir has sustained injuries with blunt edged weapon.

3. Learned counsel for the petitioner submits that even if the allegations, as levelled in the FIR, are taken to be correct, the petitioner is attributed blow with stick to Raghbir Singh and that all the injuries found on the person of Ragbir Singh are simple in nature. It has further been submitted that several of the co-accused including Ram Niwas, Raju and Ruldu Ram have already been granted bail and that in these circumstances, the petitioner also deserves the same concession on the grounds of parity, particularly when he is not attributed any injury attracting rigors of Section 307 IPC.
4. On the other hand, learned State counsel has opposed the petition on the ground that the co-accused had caused firearm injuries to the injured and since the petitioner was also accompanying them and has also inflicted injuries to one of the injured with stick, his complicity and *mens rea* is clearly evident and he does not deserve the concession of bail. Learned State counsel has, however, informed that the petitioner is in custody since the last five months and is not involved in any other case. It is also informed that while challan has been presented but charges are yet to be framed and 19 prosecution witnesses have been cited by the prosecution.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that the petitioner is alleged to be armed with a stick only and is attributed simple injuries and while noticing the fact that the petitioner has been behind bars since the last about five months and otherwise, has a clean record, the petition deserves to be accepted, particularly keeping in view that the trial has not even commenced so far and charges are yet to be framed. In these circumstances, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely

to consume time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

26.11.2021
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No